

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 6, 2000
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Chris Brown, Sanskrit.

*Council Member Gale present.

Minutes -- approved The minutes of the regular meeting of May 23, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

RECOGNITION Art Wegner, Executive Vice President of Raytheon Company and Chairman of Raytheon Aircraft, was recognized for his contribution to the community.

RECOGNITION Channel 12 was recognized as "Best of the Class."

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

SERVICE CITATION Distinguished Service Citation was presented.

PRESENTATION Keys to the first Public Housing unit to be sold were presented to the new owner.

PROCLAMATION Proclamation previously approved was presented.

UNFINISHED BUSINESS

IRB REVISIONS INDUSTRIAL REVENUE BOND/BUSINESS INCENTIVE POLICY REVISIONS.
(Continued from May 23, 2000)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 00-0514 A.

On May 23, 2000, the City Council considered a proposal to revise the current Industrial Revenue Bond Policy and Business Incentive Policy to allow IRB financing and tax abatement as incentives for new multi-family housing projects located in older (Inner City) areas of the City. The revisions to the IRB and Business Incentives Policy are proposed as part of a larger program to implement redevelopment incentives that encourage in-fill development of older sections of the City, as previously approved by the City Council. The Council approved a concept of targeting IRB and tax abatement incentives for new multi-family projects to identified areas of greater economic need (within the Inner City) and asked staff to return with specific revisions that incorporate the approved concept.

The proposed revision to the IRB Policy generally extends the area in which IRBs may be issued to finance new multi-family housing developments to the Redevelopment Incentive Target Area (the Inner City area) which roughly approximates the 1950 city limits of Wichita. The boundaries of this area are Pawnee on the south, Highway I-235 on the west, 25th Street North on the north and Hillside on the east. To target incentives to areas in greater economic need of redevelopment, it is proposed that multi-family housing projects located in the previously adopted Neighborhood Revitalization Area also be eligible for IRB financing. For the most part, the Neighborhood Revitalization Area is inside the Redevelopment Incentive Target Area).

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The Business Incentive Policy governs the use of property tax abatement as an economic development incentive. The proposed revision to the Business Incentive Policy adds new multi-family housing developments financed with IRBs to the list of businesses eligible to receive a tax abatement. The revision allows the City Council to approve property tax abatement in the larger Redevelopment Incentive Target Area up to 50% of taxes on bond-financed improvements. To further target incentives to designated redevelopment areas, the proposed revision allows the Council to approve abatements up to 75% in the Neighborhood Revitalization Area. Finally, to encourage private reinvestment in designated high-priority areas, the proposed policy revision would allow up to 100% abatement in the Local Investment Areas, plus the Downtown Area, already defined in the IRB Policy as being from Kellogg to Seneca to Murdock to Washington.

The result of the proposed policy revisions is a three-tier system that uses already identified target areas for redevelopment to apply different levels of incentives that will encourage private investment and redevelopment efforts to focus on areas within the "Inner City" with the greatest need. The three-tiers are summarized as follows:

Tier 1	Local Investment Areas plus, Downtown	Up to 100% tax abatement
Tier 2	Neighborhood Revitalization Area	Up to 75% tax abatement
Tier 3	Redevelopment Incentive Target Area	Up to 50% tax abatement

The financial impact of the policy revisions is unknown because it is not possible to project the number of private investment projects that will take advantage of this incentive. The amount of City property taxes exempted for a typical \$5.0 million project would be approximately \$17,250 per year. County taxes exempted would be approximately \$16,500, and \$24,150 for USD 259. The impact of new development and private investment in the older sections of the community, however, will have a significant impact that, hopefully, will encourage other private investment and renovation of properties.

Council Member Cole	Council Member Cole inquired whether the definition of multi-family would include duplexes, town-homes, fourplexes, and other structures of lesser density than apartment complexes.
Allen Bell	Financial Projects Director explained that he had never seen industrial revenue bonds issued for anything smaller than apartment complexes. The up-front cost of industrial revenue bonds might not be feasible for smaller units.
Mayor Knight	Mayor Knight said industrial revenue bonds make sense for apartment complexes but do not make sense for duplexes.
Council Member Lambke	Council Member Lambke stated that subsidizing taxes enables rent to be lowered on some businesses and creates pressure on other landlords. Duplexes and triplexes would fit for infill areas better than apartment complexes. Council Member Lambke also inquired as to whether applicants could be pooled to receive industrial revenue bonds.
Mayor Knight	Mayor Knight inquired whether anyone wished to be heard and no one appeared.
Motion -- -- carried	Knight moved that this Item be deferred until Director of Financial Projects has had an opportunity to visit with City Council Members. Motion carried 7 to 0.

NEW BUSINESS

IRB - DEAN & DELUCA PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - DEAN & DELUCA, INC. (District I)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 00-0541.

Following a nationwide search, Dean & DeLuca, Inc. has selected Wichita as its site to expand its existing distribution center. Dean & DeLuca currently operates a call & distribution center located in north Wichita. Because of rapid growth it is necessary for Dean & DeLuca to expand its existing facility. As an inducement to chose Wichita, the City and State have tentatively offered an incentive package that includes City of Wichita IRBs;

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a 100% five-plus-five year property tax abatement; \$200,000 forgivable loan (\$125,000 state, \$75,000 City), \$400,000 training grant (State), and state income and sales tax incentives. Dean & DeLuca is requesting City Council approval of a one-year Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$5,445,000, in order to begin work on the expansion.

Dean & DeLuca, Inc. is a purveyor of gourmet and specialty foods, wines and kitchenware. With the company's headquarters located in New York City, Dean & DeLuca's specialty products are sold through multiple distribution channels. In addition to five specialty markets, eight cafés and one wine store spread throughout the United States, bulk of sales are made through the company's Internet/Direct operations—comprised of a Website and mail order catalogues, with expected circulation of approximately thirteen million orders filled during the year 2000 from the distribution center in Wichita. In addition, there are business-to-business product sales, comprised of sales of branded products through selected retailers, such as Bloomingdale's and Marshall Field's, and to other businesses for their corporate incentive plans, business-to-business gift-giving programs, consumer marketing promotions and their own third-party catalogues.

Dean & DeLuca's project consists of a 52,000 square foot building addition at its facility located at 2526 E. 36th Street N. Circle. The addition is to expand the existing distribution facility of 32,000 to 84,000 square feet in order to meet projected sales growth for the Internet/Direct division. In addition, Dean and DeLuca will be expanding and relocating its contact center to the Northrock Business Park located at 8200 E. 34th St. North, Building #2000.

Dean & DeLuca has committed to hire at least 255 new employees within the next three years in accordance with the following anticipated employment growth:

Year	Anticipated Employment Increases
One	120
Two	75
Three	60

An analysis of the uses of project funds is:

Site Acquisition	\$ 350,000
Construction Costs	\$3,107,000
Reengineering	\$1,288,000
Contact Center Equipment	<u>\$ 700,000</u>
Total Cost of Project:	\$5,445,000

Dean & Deluca plans to privately place the bonds with a financial institution. Dean & Deluca agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions.

Dean & DeLuca agrees to pay all costs of issuing the bonds and to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Business Incentive Policy, Dean & DeLuca qualifies for a 100% five-plus-five year tax exemption on property purchased with bond proceeds. The source of funding for the \$75,000 forgivable loan will be the Economic Development Trust Fund.

Bond documents needed for the issuance of bonds will be prepared by the firm serving as the City's bond counsel at the time the bonds are issued, unless conflicts develop which require the City to use another firm in the bond counsel role.

Allen Bell

Financial Projects Director reviewed the cost benefit analysis as completed by Center for Economic Development and Business Research at Wichita State University:

City of Wichita	2.39 to 1
Sedgwick Count	1.88 to 1
USD 259	1.78 to 1
State of Kansas	4.8 to 1

The Financial Projects Director explained that due to the need for expedient construction, Dean and DeLuca had been unable to follow a portion of the Policy and had contracted with the original building contractor.

Council Member Rogers

Council Member Rogers expressed concern regarding the deviation from Policy and said his main concern was that the applicant was aware of the procedure in the Policy.

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Council Member Rogers questioned whether there might be a need to have Staff provide seminars and additional information to insure there is no deviation from the regular process.

Chris Cherches

City Manager explained that a process is underway to inform businesses of City Policy and procedures.

Consensus of the City Council was in agreement regarding the importance of not deviating from the Policy.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed; the incentive package and the issuance of a Letter of Intent to Dean and DeLuca for Industrial Revenue Bonds in an amount not-to-exceed \$5,445,000, subject to the Standard Letter of Intent Conditions, for a one-year term be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

TAX EXEMPT REQUEST PUBLIC HEARING AND TAX EXEMPTION REQUEST – GREAT PLAINS VENTURES, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0542.

On January 24, 1995, the City Council approved an Economic Development Tax Exemption for Great Plains Ventures, Inc., ("Great Plains"), parent company to Great Plains Industries, Inc. (located at 3625 North Oliver). The tax exemption was for a \$4,000,000 expansion project consisting of the construction of a 178,000 square feet manufacturing/ warehouse and office complex facility to be leased to Great Plains Industries.

On April 27, 2000, the City and Great Plains received a letter from the Kansas Board of Tax Appeals "(BOTA)" identifying a deficiency in the application for a BOTA exemption order and providing a 30-day time frame to cure the deficiency. The City and Great Plains have requested and received an extension until July 14, 2000, to respond to BOTA. To effectuate the remedy, the City Council must hold a new public hearing and adopt a new ordinance approving the tax exemption.

On July 1, 1994, new state law became effective, requiring that cost-benefit studies conducted in conjunction with economic development exemptions consider the impact of exemptions on State revenues. At the same time, the legislature commissioned the development of a special software application that would facilitate the cost-benefit analysis in conformance with state law. The new software package did not become available to cities until mid-1995. In the meantime, the City continued to use studies conducted by the University of Kansas, with the understanding that the K.U. studies complied with current law. When the new software became available, the City engaged the Center for Economic Development and Business Research at Wichita State University to conduct the studies, using the new software.

Much later, BOTA started turning down economic development exemption applications approved by cities after the new law became effect which were supported by K.U. cost-benefit studies, citing their failure to adequately consider the impact on State revenues. The City Council has had to reaffirm tax exemptions on several occasions to satisfy BOTA's concerns.

Great Plains Industries, Inc. manufactures fuel and chemical pumps and meters. The Great Plains companies employed over 156 people in 1993 and had an annual payroll in excess of \$8.0 million. Great Plains Industries has added 80 new employees as a result of the expansion project, which included the construction of a 178,000 square foot facility in the Great Plains Business Park located at 3526 North Oliver at a cost of over \$4,000,000.

Under the Business Incentive Policy, Great Plains is eligible for a 97.2 percent tax exemption on real property for a five-year period and for 48.6 percent for a second five year period, based on the following criteria:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %

INCENTIVE

EXPLANATION

40

New Job Creation:

Great Plains hired an additional 80 employees.

36

Capital Improvements:

Great Plains invested approximately \$4,000,000 in the construction of additional real property.

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0	Location Premium:	Great Plains is not located in an area eligible for this incentive.
76.0	Total Business Incentives	
50	TOTAL ELIGIBLE FOR BUSINESS INCENTIVES (Maximum allowed is 50 percent)	
47.2	Export Premium	Great Plains exports 94.4 percent of its products out of the State of Kansas.
47.2	TOTAL ELIGIBLE FOR EXPORT PREMIUM (Maximum allowed is 50 percent)	
97.2	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

A new cost-benefit analysis has been performed by W.S.U. using the BOTA-approved software. The following ratios of benefits-to-costs are reported:

City of Wichita	2.87 to one
Sedgwick County	2.99 to one
U.S.D. 259	1.18 to one
State of Kansas	24.02 to one

Great Plains will continue to pay existing real and personal property taxes of \$126,024.52 (1994 taxes) plus an estimated \$3,176 (the remaining 2.8 percent portion of tax abatement not granted by the Council) in taxes on the proposed expansion. The estimated first year taxes on Great Plains' proposed \$4 million expansion would be \$113,420, based on the 1994 mill levy. Using the allowable tax exemption of 97.2 percent, the City would be exempting (for the first year) \$110,244 of new taxes from the real property tax rolls.

The tax exemption would be shared among the taxing entities as follows: City - \$30,416; County/State - \$28,785; and USD259 - \$51,043. The policy exemption equates to \$1,378 of exempted taxes per each new job (80 new jobs) per year for the first five years and \$689 per year for the second five years.

A notice of public hearing has been published and notice letters mailed to the Board of County Commissions and U.S.D. 259 Board of Education.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Rogers moved that the public hearing be closed; the tax exemption in accordance with the City's Business Incentive Policy be affirmed; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; describing the property of Great Plains Ventures, Inc., so exempted; and repealing Ordinance #42-603, introduced and under the rules laid over.

LIBRARY COLLECTION DE-ACCESSION OF LIBRARY'S DRISCOLL COLLECTION.

Don Barry Library Board reviewed the Item.

Agenda Report Number 00-0544.

Columnist and editor Charles Driscoll was a Wichita native and a collector of materials on piracy and exploration. At his direction, after his death, the Driscoll Piracy Collection was offered to the Library for purchase. The Library Board voted to acquire the collection in 1952, using private funds to pay for its purchase. First housed in Library Director Ford Rockwell's office, the collection now resides in a Special Collections area in the Central Library. Because of the fragile nature of the materials, access to the collection is by written request only through the Director of Libraries. In the last decade, there have been less than 10 requests to use the collection, with no requests in the past two years. All information in the collection is replicated in modern formats and available to the public.

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Mike Kelly, Curator of Wichita State University's Special Collections and University Archives conducted a thorough evaluation of the Driscoll Collection in 1998 through a grant from the National Historical Publications and Records Commission. Mr. Kelly determined the 1800 items in the collection required extensive restoration work due to their age and condition and projected these costs at \$500,000 to \$750,000. Mr. Kelly further recommended the collection be sold.

On May 16, 2000, the Library Board voted unanimously to sell the Driscoll Collection through Christie's East. Christie's estimates the value of the collection at approximately \$300,000 - \$500,000. It is the recommendation of the Library Board to direct any and all funds that result from this sale to the Wichita Public Library Foundation, Inc. as an extraordinary gift for the purpose of matching its National Endowment for the Humanities Challenge Grant CH-20511 or for the benefit of the General Endowment.

The Library Board also recommended that the City Council retain one item from the collection to be restored and permanently displayed at the Wichita Public Library in recognition of Mr. Driscoll and Mr. Rockwell.

If the sale proceeds are contributed to the Library's Foundation for the purpose of matching the NEH challenge grant, one additional federal dollar will be received for every three dollars generated by the sale of the collection.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
--carried

Knight moved that the action of the Library Board authorizing sale of the Driscoll Collection be endorsed. Motion carried 7 to 0.

EMPLOYEE RETIREMENT PENSION SYSTEM ANNUAL ACTUARIAL VALUATION.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-0545.

The Wichita Employees' Retirement System (WER) and the Police & Fire Retirement System (P&F) have an actuarial valuation performed annually by the Systems' actuary, Gabriel, Roeder, Smith & Company (GRS). The actuarial valuations for the year ended December 31, 1999 have been completed.

The 1999 actuarial report reflects the Plan revisions approved in 1999 by the Council in the calculation of the Unfunded Actuarial Accrued Liability for each Fund. Each Retirement Board adopts a set of actuarial assumptions to be utilized in performing the valuation. GRS completed an Experience Study for the period of January 1, 1995 through December 31, 1998 at the Boards' request. As a result of that study, revisions to the actuarial assumptions were adopted by each Board and also incorporated in the valuation calculations.

The annual actuarial valuation provides the financial condition of the Retirement Systems. The excess of accrued assets over accrued liabilities is amortized as a level percent of payroll during the amortization period (20 years for WER and 18-years for P&F). Because this ratio exceeds one hundred percent for both Funds, credits are available to reduce the employees (City) contribution rate.

Recommended contribution rates for the 2001 budget year are:

WER: - 4.7% Retirement Fund + 1.5% Retirement Reserve = 6.2% total contribution.
(Current contribution: 6.2% + 2.0% = 8.2%)

Police & Fire - 11.7% Retirement Fund + 1.5% Retirement Reserve = 13.2% total contribution.
(Current contribution: 14% + 1.9% = 15.9%)

The City has an obligation to provide adequate funding for the Retirement Systems.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the 2001 contribution rates be approved and the Report be received and filed. Motion carried 7 to 0.

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EMPLOYEE RETIREMT. WICHITA EMPLOYEES' RETIREMENT SYSTEM.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-0546.

In 1995 the City Council approved ordinance revisions permitting the City of Wichita to "Buy-Out" (purchase) up to five years of service for employees participating in the Wichita Employees' Retirement System whose positions were permanently eliminated through the budget development process. The revisions established the circumstances and method of computing the cost of the Buy-Out.

In 1998, the law firm of Ice, Miller, Donadio & Ryan (the Firm) was hired by the Retirement Board to review City ordinances for compliance with Internal Revenue Code requirements for Plan qualification. As a result of that review, the Firm, determined that the Buy-Out provisions were not in compliance with such requirements.

It is the desire of the Board to seek a new qualification letter from the Internal Revenue Service. The Firm has indicated that removal of the Buy-Out provisions is necessary prior to completion of the qualification process. The Retirement Board approved proposed ordinance revisions at its May 24, 2000, meeting to remove this provision.

Continuing tax-exempt status of the Retirement System is dependent upon this revision.

The proposed Ordinance will be corrected prior to adoption.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.28.085 of the Code of the City of Wichita, Kansas, pertaining to the incorporation of revisions to the Wichita Employees' Retirement System, introduced and under the rules laid over.

(The Council completed the Agenda and returned to complete Item 7; action is shown in Agenda order.)

(Item No. 7)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-0548.

On April 18, 2000 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on seven (7) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on June 6, 2000.

On April 3, 2000, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

(Item No. 7)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-0548.

	<u>Property Address</u>	<u>Council District</u>
1)	2640 South Fees	III
2)	1104 North Market (Carriage House)	VI
3)	2015 North Wellington (Garage)	VI
4)	2235 North Jeanette	VI
5)	1614 South Santa Fe	III
6)	1928 West Walker	IV
7)	751 West Hendryx	IV

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Pursuant to State Statute the Resolutions were duly published twice on April 19, 2000 and April 26, 2000. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and, except for Item 4, no one appeared

Motion --

Knight moved that the public hearing be closed, recommended action be taken on all but #4, 2235 North Jeanette, the Resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-00-230

A Resolution finding that the structure located on Lot 18, Block P, Planeview Subdivision No. 1, being a Subdivision in Section 2, Township 28 South, Range 1 east of the Sixth Principal, Sedgwick County, Kansas commonly known as 2640 South Fees, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-231

A Resolution finding that the structure located on Lots 200, 202, and 204, on Market Street, in Hyde and Ferrell's, Addition, Sedgwick County, Kansas, commonly known as 1104 North Market (Carriage House), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-232

A Resolution finding that the structure located on Lot 4 and the north ½ of Lot 5, except the west eight feet, in Robertson's Fifth Addition to Wichita, Sedgwick County, Kansas, commonly known as 2015 North Wellington (Garage), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-234

A Resolution finding that the structure located on Lots 14 and 16, Block 3, Allen & Smith's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1614 South Santa Fe, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-235

A Resolution finding that the structure located on Lots 138-140 Garfield Addition to Wichita, Sedgwick County, Kansas, commonly known as 1928 West Walker, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-236

A Resolution finding that the structure located on Lots 82 and 84, Hendryx Avenue, Glendale Addition, Sedgwick County, Kansas, commonly known as 751 West Hendryx, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

2235 North Jeanette

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Kurt Schroeder

Superintendent of Central Inspection reviewed the Item and recommended that 60 days be given to complete repairs and two weeks be given to pay the taxes (including special assessments).

The new property owner indicated agreement with the recommendation.

Motion --

Cole moved that the public hearing be closed, the recommended action be taken; the Resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-00-233

A Resolution finding that the structure located on Lots 17 and 19 on Madge Avenue, Buena Vista Sub, in Guthrie's Addition to Wichita, Sedgwick County, Kansas, commonly known as 2235 North Jeanette, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

Council Member Rogers left the Bench.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

Motion --

Cole appointed Mary DeSena (to replace C. Bickley Foster) on Board of Zoning Appeals and moved that the appointment be approved. Motion carried 6 to 0. (Rogers, absent)

-- carried

PROCLAMATION

PROCLAMATION.

--Fetal Alcohol Syndrome Awareness Day

Motion -- carried

Knight moved that the Proclamation be approved. Motion carried 6 to 0. (Rogers, absent)

OFF AGENDA ITEM.

Motion -- carried

Knight moved that the rules be set aside and an item be taken up off the Agenda. Motion carried 7 to 0.

Council Member Cole

Council Member Cole reported that members of the District VI Advisory Board met the previous evening and inquired whether the City Council was going to proceed with a workshop on the Comprehensive Plan.

Mayor Knight

Knight asked that this be brought back as a regular Item on the June 13, 2000, agenda.

Council Member Rogers present.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 5, 2000.

Bids were opened May 26, 2000, and June 2, 2000, pursuant to advertisements published on:

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Maple from 119th Street West to Maize Road - north of Kellogg, west of Maize Road. (87 N-0127-01/472-83092/448-89399/706772/635616/209233/769676) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Construction - \$2,022,998.28

Lateral 32, Main 1, Westlink Sewer to serve Woodland-Westfield Second Addition - North of Maple, west of Tyler. (468-83082/743832/480520) Does not affect existing traffic. (District V)

WB Carter Construction - \$16,924.00 (Corrected total)

Water distribution system to serve Highland Springs Second Addition - south of Central, west of 135th Street West. (448-89426/734962/470632) Does not affect existing traffic. (District V)

WBW Contractors - \$58,200.00

Wichita water walk Phase II at A. Price Woodard Park East Bank Addition - south of Douglas, west of Main. (/791467/435175) Traffic to be maintained during construction. (District I)

Simpson & Associates - \$582,199.00

2000 enhanced maintenance stabilization - north of 47th Street South and west of Seneca. (2000_706786_1/706786_1/405241) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (Districts IV & V)

Ritchie Paving - \$204,619.00 (Engineer's estimate)

Harrison Park parking lot to serve an Unplatted Tract - east of Webb, south of Harry. (472-82971/785881/399120) Does not affect existing traffic. City Council approval date: 08/11/1998. (District II)

McFadden - \$49,838.25

Lateral 432, Southwest Interceptor Sewer, Phase II to serve Aberdeen Third Addition - north of 21st Street North, east of 119th Street West. (468-83004/743833/480521) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 06/22/1999. (District V)

Dondlinger & Sons - \$78,622.00

Churchill Circle from the east line of Red Brush to and including the loop; Churchill Courts serving Lots 27 through 31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac; serving Lots 14 through 16 and Lots 34 through 36, Block 2, from the east line of Churchill Circle to and including the cul-de-sac, and serving Lots 20 through 23, Block 2, Wilson Farms Second Addition, from the south line of Churchill Circle to and including the cul-de-sac to serve Wilson Farms Second Addition - south of 21st, west of Webb. (472-83182/765619/490730) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 02/15/2000. (District II)

Kansas Paving Company - \$141,092.00

Water distribution system to serve Plaza Central Office Park Addition - south of Central, east of Greenwich. (448-89444/734949/470619) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/04/2000. (District II)

Mies Construction - \$38,040.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted Vacuum System. (183327)

Utility Maintenance Contractors - \$62,993.00 (Total net base bid)
\$ 3,705.00 (Option 1/per each)

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\$ 3,500.00 (Option 2/lump sum)

\$ 2,473.00 (Option 3/lump sum)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Stryker Soccer Complex (785001)

Caro Construction - \$1,033,900.00 (Base Bid)
\$27,727.70 (Add alternate A-1)
\$ 1,800.00 (Add alternate A-8)
\$15,640.90 (Add alternate A-12)
\$26,850.00 (Add alternate A-13)
<\$ 8,400.00> (<Deduct> alternate E-6)

PARK & RECREATION DEPARTMENT/NA DIVISION: Lincoln Park Renovation. (715572)

Sutherland Builders, Inc. - \$273,900.00 (Total base bid)
\$ 49,900.00 (Total alternate E-1)
\$ 2,100.00 (Total Alternate E-2)
\$ 28,800.00 (Total alternate E-3)
\$ 5,800.00 (Total alternate A-1)
\$ 2,530.00 (Total alternate A-2)

LIBRARY DEPARTMENT: Janitorial Services. (101014)

WD Enterprises, Inc. - \$360.00# (Base bid/Item 1/per month)
\$ 70.00# (Base bid/Item 2/per month)
\$ 93.00# (Base bid/Item 3/per month)
\$ 93.00# (Base bid/Item 4/per month)
\$360.00# (Base bid/Item 5/per month)
\$125.00# (Base bid/Item 6/per month)
\$.09# (Option 1/per sq. ft.)
\$.10# (Option 2/per sq. ft.)
\$ 40.00# (Option 3/per callout/option 3A)
\$ 20.00# (Option 3/per callout/option 3B)
\$ 20.00# (Option 3/per callout/option 3C)
\$ 25.00# (Option 3/per callout/option 3D)
\$ 45.00# (Option 3/per callout/option 3E)
\$ 35.00# (Option 3/per callout/option 3F)
\$ 9.00# (Option 4/per man/per hour)

#Redirect award by the City Council on 05-02-2000

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB APPLICATIONS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Donald E. Norton	La Chinita Mexican Restaurant*	1451 North Broadway
Randy Chino	Happy King Chinese Restaurant*	318 West 29th North
		<u>(Consumption off Premises)</u>
Loan H. Le	KC Gas & Groceries #1	1102 West Maple
<u>New Operator</u>		
Javier G. Galindo	Maria's Mexican Restaurant*	1611 South Broadway
<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Joe Gregory	Quiktrip #313	3164 South Hillside
Joe Gregory	Quiktrip #315	1530 South Maize Road
Joe Gregory	Quiktrip #320	1021 West 31st Street South

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Joe Gregory	Quiktrip #321	6011 West Central
Joe Gregory	Quiktrip #325	1414 North Oliver
Joe Gregory	Quiktrip #326	2010 South Broadway
Joe Gregory	Quiktrip #328	2801 South Hydraulic
Joe Gregory	Quiktrip #329	5602 East Harry
Joe Gregory	Quiktrip #343	242 South Tyler
Joe Gregory	Quiktrip #345	4020 South Meridian
Joe Gregory	Quiktrip #347	1532 South Seneca
Joe Gregory	Quiktrip #349	1112 West Douglas
Joe Gregory	Quiktrip #353	110 South Rock Road
Joe Gregory	Quiktrip #356	4808 South Hydraulic
Joe Gregory	Quiktrip #358	7120 West 21st Street
Joe Gregory	Quiktrip #360	3933 West 13th Street
Joe Gregory	Quiktrip #366	1620 South Webb Road
Joe Gregory	Quiktrip #368	626 West 21st Street North
Joe Gregory	Quiktrip #369	3216 East Harry
Joe Gregory	Quiktrip #372	3106 East Pawnee
Joe Gregory	Quiktrip #373	1610 East Lincoln
Joe Gregory	Quiktrip #374	10315 West 13th Street
Joe Gregory	Quiktrip #376	2106 South Rock Road
Joe Gregory	Quiktrip #378	5611 South Broadway
Joe Gregory	Quiktrip #383	11223 East Central
Joe Gregory	Quiktrip #384	2510 West Pawnee
Joe Gregory	Quiktrip #386	1010 East Douglas Avenue
Joe Gregory	Quiktrip #388	7991 East 37th Street North
Joe Gregory	Quiktrip #389	4730 East Central
Joe Gregory	Quiktrip #391	730 North Broadway
Joe Gregory	Quiktrip #396	333 South West Street

Special Event June 17, 2000

Jeff Elliott Bikers Edge Cycle & Leather 1201 East Central

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

a) Water supply line in Maize Road from 1320 feet south of 29th Street North to the north line of 29th Street North - 29th Street North and Maize Road. (448-89434/633725/750819) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$261,285.00

b) Water distribution line to serve Oak Cliff Estates - north of Maple, west of Maize Road. 448-89462/734961/470631) Does not affect existing traffic. (District V) - \$20,500.00

c) Lateral 445, Southwest Interceptor Sewer to serve Oak Cliff Estates - north of Maple, west of Maize Road. (468-83081/743838/480526) Does not affect existing traffic. (District V) - \$23,500.00

d) Lateral 22, Cowskin Interceptor Sewer to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (468-83027/743839/480527) Does not affect existing traffic. (District V) - \$194,000.00

e) Decel lane and left turn lane in 21st Street North from the northwest corner of Lot 1, Block 1, to the 1, Block 1 to serve Legacy Park Wilson Estates Addition - south of 21st Street North, west of Webb. (472-83231/765632/490743) Traffic to be maintained during construction. (District II) - \$250,000.00

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- f) 2000 enhanced maintenance concrete repair Phase 6 - north of 31st Street South and east of Meridian. (2000_706786_6/706786/405241) Traffic to be maintained during construction using flagpersons and barricades. (District all) - \$257,967.50
- g) Amended Preliminary Estimate for Lateral 432, Southwest Interceptor Sewer – Phase I to serve Aberdeen Third Addition - north of 21st Street North, east of 119th Street West. (468-83004 /743833 /480521) - \$330,000.00
- h) Maple from 119th Street West to Maize Road (north of Kellogg, west of Maize Road) (87 N-0127-01/472-83092/448-89399/706772/635616/209233/769676) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,583,170.98
- i) Lateral 32, Main 1, Westlink Sewer to serve Woodland-Westfield 2nd Addition (north of Maple, west of Tyler) (468-83082/743832/480520) Does not affect existing traffic. (District V) - \$45,000.00
- j) Water Distribution System to serve Highland Springs 2nd Addition (south of Central, west of 135th Street West) (448-89426/734962/470632) Does not affect existing traffic. (District V) - \$119,000.00
- k) Wichita Water Walk Phase II at A. Price Woodard Park East Bank Addition (south of Douglas, west of Main) (/791467/435175) Traffic to be maintained during construction. (District I) - \$892,476.17
- l) Designing 119th Street Bridge over the Calfskin Creek (472-82748/715417/415055) Not to be advertised for bids. - \$29,900.00
- m) Designing 33rd Street Bridge at West Drain (472-83046/715672/248097) Not to be advertised for bids. - \$40,000.00
- n) Designing Lincoln Street Bridge at Dry Creek (472-83043/715649/248094) Not to be advertised for bids. - \$35,000.00
- o) Designing 55th Street Bridge at Big Slough (742-83014/715623/248092) Not to be advertised for bids. - \$25,000.00
- p) Lateral 38, Main 15, Southwest Interceptor Sewer to serve an unplatted tract (north of 21st Street North, east of Ridge) 468-82995/743801/480489) Not to be advertised for bids.

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

STATEMENTS OF COST STATEMENTS OF COST:

- a) Improving Webb Road, from 21st Street North to K-96 Highway. Total Cost - \$724,965.00 (plus idle fund interest - \$9,335.00; less financing previously issued - \$700,000.00). Financing to be issued at this time - \$34,300.00. (705541/472-82291/405-108).
- b) Improving Maize Road, from Central to 13th Street North. Total Cost - \$326,673.13 (plus idle fund interest - \$6,526.87; less financing previously issued - \$325,000.00). Financing to be issued at this time - \$8,200.00. (705822/472-82415/405-136).
- c) Improving McLean Boulevard, from Meridian to Seneca. Total Cost - \$4,280,072.97 (plus temporary financing costs - \$4,189.98; plus idle fund interest - \$56,493.05; less financing previously issued - \$4,255,956.00). Financing to be issued at this time - \$84,800.00. (705897/472-82448/405-143).
- d) Improving Pawnee, from Maize to Yellowstone. Total Cost - \$115,350.71 (less idle fund interest - \$2,550.71; less financing previously issued - \$100,000.00). Financing to be issued at this time - \$12,800.00. (706333/472-82678/405-187).
- e) Improving 1995 Traffic Signal and Pedestrian Program- 21st Street North and Maize Road. Total Cost – \$1,296,635.43 (plus temporary financing costs - \$16,740.99; plus idle fund interest - \$30,523.58; less financing previously issued - \$1,189,000.00). Financing to be issued at this time - \$154,900.00. (710178/472-82651 /410-068).

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- f) Improving 119th Street West Bridge at Calfskin Creek (Design). Total Cost - \$27,442.09 (plus temporary financing costs - \$606.49; less idle fund interest - \$1,348.58; less financing previously issued - \$22,000.00). Financing to be issued at this time - \$4,700.00. (715417/472-82746/415-055).
- g) CKR Railroad Relocation Right-of-Way. Total Cost - \$804,520.00 (plus temporary financing costs - \$3,450; plus idle fund interest - \$18,930; less financing previously issued - \$810,000). Financing to be issued at this time - \$16,900.00. (715516/248-065).
- h) Improving 55th Street Bridge at Big Slough (Design). Total Cost - \$23,000.00 (idle fund interest - \$0.00; less financing previously issued - \$22,000.00). Financing to be issued at this time - \$1,000.00. (715623/472-83041/248-092).
- i) Improving Lincoln Street Bridge at Dry Creek (Design). Total Cost - \$35,000.00 (idle fund interest - \$0.00; less financing previously issued - \$32,000.00). Financing to be issued at this time - \$3,000.00. (715649/472-83043/248-094).
- j) Improving 33rd Street Bridge at West Drain (Design). Total Cost - \$38,175.87 (plus idle fund interest - \$124.13; less financing previously issued - \$37,000.00). Financing to be issued at this time - \$1,300.00. (715672/472-83046/248-097).
- k) Improving Fire Suppression System at the Wichita Art Museum. Total Cost - \$231,200.00 (plus temporary financing - \$4,100.00; less financing previously issued - \$225,000.00). Financing to be issued at this time - \$10,300.00. (791269/435-155).
- l) Fire Apparatus Replacement. Total Cost - \$810,100.00 (plus idle fund interest \$5,900.00; less financing previously issued - \$810,000.00). Financing to be issued at this time - \$6,000.00. (792-085/358-237).
- m) Renovation of the Wichita/Sedgwick County Historical Museum Heating/Cooling. Total Cost - \$60,000.00 (plus idle fund interest - \$2,200.00). Financing to be issued at this time - \$62,200.00. (792-135/358-242).
- n) Improving Swanson Park- Access Road and Parking Lot. Total Cost - \$156,228.20 (plus temporary financing costs - \$2,325.71; plus idle fund interest - \$9,846.09; less financing previously issued - \$163,100.00). Financing to be issued at this time - \$5,300.00 (785352/No Project No./440-066).
- o) Improving Various City Parks. Total Cost - \$98,230.00 (plus temporary financing - \$270.00; plus idle fund interest - \$2,200.00; less financing previously issued - \$93,800.00). Financing to be issued at this time - \$6,900.00. (785592/440-090).
- p) Improving 1997 Park CIP- Park Lighting. Total Cost - \$45,780.61 (plus idle fund interest - \$1,619.39; less financing previously issued - \$0. Financing to be issued at this time - \$47,400.00. (785634/No Project No./440-095).
- q) Improving 1998 Park CIP- Various Sidewalks and Paths. Total Cost - \$19,917.64 (less idle fund interest - \$617.64; less financing previously issued - \$10,500.00). Financing to be issued at this time - \$8,800.00. (785816/472-82926/398-113).

Partial Statements:

- a) (First Partial) Estimate of Cost for improving Hydraulic, from MacArthur to 63rd Street South - \$250,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$250,000.00. (706780/472-83140/200-263).
- b) (Fifth Partial) Estimate of Cost for improving Broadway, from Kellogg to William - \$506,000.00; less local sales tax funds transferred - \$375,000.00; less financing previously issued - \$81,000.00. Financing to be issued at this time - \$50,000.00. (705863/472-82412/405-140).
- c) (Fourth Partial) Estimate of Cost for improving Douglas Avenue Streetscapes - \$3,443,700.00; less local sales tax funds transferred - \$1,000,000.00; less financing previously issued - \$2,018,700.00. Financing to be issued at this time - \$425,000.00. (706473/472-82655/405-201).

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- d) (Third Partial) Estimate of Cost for improving 21st Street North, from Hood to Broadway - \$63,500.00; less financing previously issued - \$33,500.00. Financing to be issued at this time - \$30,000.00 (706515/472-82783/405-205).
- e) (Second Partial) Estimate of Cost for improving 29th Street North, from Amidon to Arkansas - \$1,800,000.00; less financing previously issued - \$1,000,000.00. Financing to be issued at this time - \$800,000.00. (706580/472-82805/405-212).
- f) (Third Partial) Estimate of Cost for improving 21st Street North, east of Webb Road - \$780,000.00; less financing previously issued - \$690,000.00. Financing to be issued at this time - \$90,000.00. (706655/472-82886/208-219).
- g) (Fourth Partial) Estimate of Cost for improving Arterial Corridors: Central & Hillside, Central & Rock, Central & Ridge, 25th Street North- I-235 to West, 13th & Mosley, Rock Road- K-96 to 32nd Street North, 13th & Broadway, Pawnee & Washington - \$950,000.00; less local sales tax funds transferred - \$300,000.00; less financing previously issued - \$400,000.00. Financing to be issued at this time - \$250,000.00. (706705/472-82932/208-224).
- h) (Second Partial) Estimate of Cost for improving 29th Street North, from Oliver to Woodlawn - \$310,000.00; less local sales tax funds transferred - \$250,000.00. Financing to be issued at this time - \$60,000.00. (706754/472-82996/208-229).
- i) (Second Partial) Estimate of Cost for improving 13th Street North, East of Rock Road - \$850,000.00; less financing previously issued - \$750,000.00. Financing to be issued at this time - \$100,000.00. (706770/472-83028/208-231).
- j) (Second Partial) Estimate of Cost for improving Harry, from Webb Road to Greenwich Road - \$380,000.00; less local sales tax funds transferred - \$350,000.00. Financing to be issued at this time - \$30,000.00. (706771/472-83091/209-232).
- k) (First Partial) Estimate of Cost for improving Wichita, from Dewey to Lewis - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (706773/472-82938/209-234).
- l) (First Partial) Estimate of Cost for improving 9th and Tyler Road Intersection - \$15,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$15,000.00. (706790/472-83169/200-244).
- m) (First Partial) Estimate of Cost for improving 13th Street North and Hydraulic Intersection - \$35,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$35,000.00. (706791/472-83167/200-245).
- n) (First Partial) Estimate of Cost for improving George Washington Boulevard and Mt. Vernon Intersection - \$20,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$20,000.00. (706792/472-83168/200-246).
- o) (Second Partial) Estimate of Cost for improving Maple, from Maize Road to 135th Street West - \$145,000.00; less financing previously issued - \$125,000.00. Financing to be issued at this time - \$20,000.00. (706986/472-83054/208-251).
- p) (First Partial) Estimate of Cost for improving 21st Street North, from 119th Street West to Maize Road - \$80,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$80,000.00. (706776/472-83138/200-261).
- q) (First Partial) Estimate of Cost for improving Central, from Tyler Road to Woodchuck - \$30,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$30,000.00. (706777/472-83153/200-262).
- r) (First Partial) Estimate of Cost for improving Harry, from Oliver to Woodlawn - \$85,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$85,000.00. (706784/472-83165/200-264).
- s) (First Partial) Estimate of Cost for improving 21st Street North, from Hillside to Oliver - \$60,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$60,000.00. (706785/472-83162/200-265).
- t) (First Partial) Estimate of Cost for improving Central, from Maize Road to Tyler Road - \$95,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$95,000.00. (706793/472-83163/200-267).

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- u) (First Partial) Estimate of Cost for improving 55th Street Bridge at the Big Slough - \$130,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$130,000.00. (715678/472-83041/240-086).
- v) (First Partial) Estimate of Cost for improving 33rd Street North Bridge at West Drain - \$125,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$125,000.00. (715679/472-83046/240-087).
- w) (First Partial) Estimate of Cost for improving Lincoln Street Bridge at Dry Creek - \$150,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$150,000.00 (715680/472-83043/240-088).
- x) (First Partial) Estimate of Cost for improving 53rd Street North Bridge at Little Arkansas River - \$50,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$50,000.00. (715681/472-83171/240-089).
- y) (Third Partial) Estimate of Cost for improving Pawnee Street Bridge at Dry Creek - \$32,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$12,000.00. (715664/472-83045/248-096).
- z) (First Partial) Estimate of Cost for Northwest Bridge Study - \$50,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$50,000.00. (715682/472-83173/240-098).
- aa) (First Partial) Estimate of Cost for improving Cessna Park Improvements - \$75,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$75,000.00. (785865/472-82969/399-118).
- bb) (First Partial) Estimate of Cost for improving Northeast Baseball/Soccer Complex Parking Lot - \$300,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$300,000.00. (785000/No Project No./399-131).
- cc) (Fourth Partial) Estimate of Cost for improving Arkansas River Improvements - \$1,652,000.00; less financing previously issued - \$670,000.00. Financing to be issued at this time - \$982,000.00. (706556/472-82799/405-209).
- dd) (Second Partial) Estimate of Cost for CKR Bayley Street - \$1,725,000; less financing previously issued - \$1,250,000. Financing to be issued at this time - \$475,000. (715540/248-067).
- ee) (First Partial) Estimate of Cost for improving 119th Street West Bridge at Calfskin Creek - \$1,000,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$1,000,000.00. (715676/472-82746/249-084).
- ff) (Third Partial) Estimate of Cost for improving Lawrence Dumont Stadium - \$1,325,000; less financing previously issued - \$725,000. Financing to be issued at this time - \$600,000. (792051/358-234).
- gg) (First Partial) Estimate of Cost for improving the Farm and Art Market - \$35,000. Financing previously issued - \$0. Financing to be issued at this time - \$35,000. (792315/435-277).
- hh) (Fourth Partial) Estimate of Cost for improving South Lake Park - \$330,000. Financing previously issued - \$250,000. Financing to be issued at this time - \$80,000. (785766/398-108).
- ii) (Second Partial) Estimate of Cost for improving Watson Park – Phase I - \$150,000. Financing previously issued - \$25,000. Financing to be issued at this time - \$125,000. (785824/398-114).
- jj) (First Partial) Estimate of Cost for improving Northeast Soccer/Baseball Complex - \$898,506. Financing previously issued - \$0. Financing to be issued at this time - \$898,506. (785001/390-132).
- kk) (Second Partial) Estimate of Cost for the Purchase of Transit Coaches - \$398,800. Financing previously issued - \$380,000. Financing to be issued at this time - \$18,800. (629295/522-027).

Motion -- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

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WATER SYSTEM

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE PLAZA CENTRAL OFFICE PARK ADDITION, SOUTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 00-0549.

On January 4, 2000, the City Council approved a Petition to construct a Water Distribution System to serve Plaza Central Office Park Addition (south of Central, east of Greenwich). An attempt to award a construction Contract within the budget set by the Petition was unsuccessful.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

The original Petition totaled \$21,600. The new Petition totals \$52,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-237

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89444, (south of Central, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 00-0573.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) Albert Pike Masonic Lodge Stars & Stripes Run/Walk, June 11, 2000, 8:00 – 10:00 a.m.

Street Closures: Topeka from First Street to Douglas Street
Douglas from Topeka to Spruce
Spruce from Douglas to First Street
First Street from Spruce to Madison
Madison from First Street to Douglas

Request is for one lane of traffic only.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

Motion carried 7 to 0.

WATER SERVICE

CITY WATER SERVICE ANNEXATION AGREEMENT – 14800 WEST MAPLE. (District V)

Agenda Report No. 00-0550.

A new water main has been installed in Maple as Capital Improvement Project W-802. The adjacent property owners at 14800 West Maple are applying to connect to City water, but the property has not yet been annexed. Coinciding with the agreement, the owners will not oppose annexation.

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The tap fee of \$1270 and an in lieu of assessment fee of \$1700 have been paid by the owners, James and Linda Snook.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EQUUS BEDS

JOINT FUNDING AGREEMENT WITH UNITED STATES GEOGRAPHICAL SURVEY (USGS) TO PERFORM WATER SAMPLING AND ANALYSIS FOR THE EQUUS BEDS RECHARGE DEMONSTRATION PROJECT.

Agenda Report No. 00-0551.

On September 9, 1997, the City Council approved a Joint Funding Agreement with the U.S. Department of Interior, Geological Survey (USGS). The Agreement allows USGS to assist the City in collecting and analyzing water samples to monitor the success and effects of the Equus Beds Recharge Demonstration Project. The Agreement is for fiscal years 1998 through 2000.

Measuring the quality of the water in the Little Arkansas River, the bank storage water, and the effects of using that water to recharge the Equus Beds Wellfield is a major component of the project. The locations, frequencies, and parameters measured for the water sampling program were developed in cooperation with the Kansas Department of Health and Environment (KDHE), the Environmental Protection Agency (EPA), and the Bureau of Reclamation. The USGS has provided extensive water quality information associated with the project; however, the amount of work that was needed has slightly decreased from the plan envisioned in 1997. The Agreement needs to be amended to reflect the reduction in work and the associated costs.

The amendment between the USGS and the City will reduce the USGS share of the costs from \$550,000 to \$442,500 and reduce the City's share of the costs from \$1,025,746 to \$908,246. This reflects a reduction of \$117,500 for the City and \$107,500 for the USGS.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

13TH STREET NORTH

SUPPLEMENTAL - 13TH STREET NORTH, FROM ROCK ROAD TO ONE-HALF MILE EAST OF ROCK ROAD. (District II)

Agenda Report No. 00-0552.

On December 15, 1998 the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) to design 13th Street North, from Rock road to ½ mile east of Rock Road. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for engineering services for the landscape on 13th Street. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be made on an hourly basis not to exceed \$3,400. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RESPREAD SPECIALS

RESPREAD ASSESSMENTS: WOODLAND WESTFIELD SECOND ADDITION – NORTH OF MAPLE, WEST OF TYLER ROAD. (District V)

Agenda Report No. 00-0553.

Harold P. Wood, Jr. and Julia B. Wood, Trustees of the Harold and Julia Wood Trust under Revocable Trust Agreement dated June 10, 1999, platted Woodland Westfield 2nd Addition and have submitted an Agreement to respread special assessments within the Addition.

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The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier to market the lots.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES- HIGHLAND SPRINGS SECOND ADDITION – WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (District V)

Agenda Report No. 00-0554.

The City Council approved the project on September 28, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Highland Springs 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$67,400, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT

FINANCING AGREEMENT - KANSAS FIREFIGHTERS' MUSEUM - EAST OF BROADWAY, SOUTH OF THE BAYLEY RAILWAY CORRIDOR. (District I)

Agenda Report No. 00-0555.

On March 2, 1999, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) to allocate Federal Transportation Enhancement funds to renovate The Kansas Firefighters Museum. The City applied for the funding on behalf of The Kansas Firefighters Museum, Inc., operator of the museum at the former Engine House No. 6, who agreed to provide the local funding match required by Federal regulations.

An Agreement has been prepared which formalizes the funding arrangement between the City and The Kansas Firefighters Museum, Inc. The proposed plans and specifications for the project have been submitted to KDOT for review and approval. As soon as approval is granted, the project will be advertised for bids. Bids are expected to be taken in July, with construction starting shortly thereafter.

The estimated project cost is \$47,000, with \$37,000 paid by Federal funds administered by KDOT and \$10,000 by private donations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TELEPHONE

TELECOMMUNICATIONS PLAN.

Agenda Report No. 00-0543.

At the City Council retreat in February, the Council indicated support for technical assistance to evaluate options for managing telecommunication providers in the public rights-of-way. A number of companies have requested franchises to install fiber optic networks in certain areas of the City. Some companies want to install fiber networks to market to local businesses; others intend to install conduit and lease space to telecommunication or broadband service providers. The staff screening and selection committee reviewed responses to the RFP and recommended the consulting team of CCG. A less than \$10,000 contract has been developed for an initial session to meet with key stakeholders, gather information, develop priorities and finalize the scope of a Telecommunications Plan.

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The Telecommunications Plan will provide a framework to manage multiple fiber optic companies in public rights-of-way, determine a reasonable and equitable method for compensation to apply to all providers, evaluate and recommend the role the City should play in managing its ROW through a centralized conduit system, recommend whether the City should construct its own telecommunications network (and lease where demand exists), and other priorities as defined. Application fees to be assessed to franchisees will be proposed to offset the cost of the Plan.

The initial phase of the Plan will be funded through research and development, the remaining portion (\$60,000) is recommended to be funded from the Economic Development Trust Fund, or from the City's Contingency/Reserve Account. State-of-the-art telecommunications infrastructure is essential for retaining technical jobs and employers in the City.

The City has the authority to determine whether to grant a particular franchise for use of the right-of-ways. The franchise must be non-discriminatory and set forth the terms and conditions for use of public property. The Plan, once developed, will assist the City in meeting its legal obligation to establish a policy that does not create a barrier of entry to telecommunications providers, while protecting the City's right to manage and be compensated for use of its ROW.

Motion --

Knight moved that the funding, not to exceed \$70,000, be approved; the City Manager be authorized to enter into agreement with CCG to develop a Telecommunications Plan; and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

EQUUS BEDS

EQUUS BEDS RECHARGE DEMONSTRATION PROJECT, ENGINEERING SERVICES AGREEMENT WITH BURNS & MCDONNELL.

Agenda Report No. 00-0556.

On August 31, 1993, the City Council approved and instructed Staff to implement the Integrated Local Water Supply Plan recommended in the Water Supply Plan developed by Burns and McDonnell/Mid-Kansas Engineering Consultants. The Plan identified cost-effective water resources that would meet Wichita's water needs to the year 2050. On February 7, 1995, City Council approved Phase I-Project I of the Equus Beds Recharge Demonstration Project, and on November 14, 1995, Phase II was approved.

A major task in the Water Supply Plan was to project the City's future water needs to the year 2050. Projected estimates are that population served by Wichita's water supply system will increase from 335,000 to 558,000. Based on projected use of water, estimations are that average day water usage will increase from the current 62 million gallons per day (MGD) to 112 MGD, and that peak day demand will increase from 125 MGD to 225 MGD.

The recharge of the Equus Beds Wellfield by using water from the Little Arkansas River is a major component of the Integrated Local Water Supply Plan. The methods and techniques required to recharge the Wellfield have not been previously attempted. The Equus Beds Recharge Demonstration Project was needed to verify the concepts that were developed in the Water Supply Plan and to assure that recharge activities would have no adverse environmental impact.

The City began an evaluation of potential recharge techniques in 1997. Following are project components that have taken or will take place during the time period 1997 through 2000:

- 76.0 installation of a surface water intake
- 77.0 construction of spreading basins to test infiltration techniques
- 78.0 installation of recharge test wells and test recovery wells
- 79.0 water quality monitoring
- 80.0 aquatic and fishery studies
- 81.0 evaluation of cultural resources in the area that could be impacted by the project
- 82.0 a study of the possibility of expanding the local wellfield
- 83.0 operational monitoring of recharge efforts
- 84.0 evaluating effectiveness of various recharge techniques
- 85.0 monitoring environmental effects of pumping and recharge activities
- 86.0 review of water quality data collected during the testing

The Supplemental Agreement is for \$225,000 and is for the fifth and final year of the project. Funding is included in the Bank Storage Concept Pilot (CIP W-403) which had an allocation of \$1,000,000 for 1999 with a total authorization of \$7,922,000 from 1997 through 2000. The water quality testing portion of the demonstration

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project exceeded the original estimate, partially due to lower-than-anticipated United States Geological Service cost-share. It is likely, however, that some level of federal assistance will continue to be available. The project requires an additional \$115,000 which can be transferred from CIP W-549, Water Supply Plan, Phase III.

City Council approval is required for Agreements over \$10,000.

Motion -- Knight moved that the Supplemental Agreement and the transfer of \$115,000 from CIP W-549 to W-403 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

EXPLORATION PLACE EXPLORATION PLACE PAYMENT.

Agenda Report No. 00-0557.

As part of a contract between the City and Exploration Place, the City anticipated a phase-out of the Omnisphere with the Exploration Place providing replacement activities as part of the overall mix of programs and services. The City agreed to a one-time payment of \$500,000 to Exploration Place. One of the items in the contract provided that employees of the Omnisphere would be extended bona-fide offers of employment at Exploration Place on or before the opening of Exploration Place.

Two (of the four) City employees at the Omnisphere subsequently left City service before the Exploration Place opened. The remaining two City employees were extended offers of employment at the Exploration Place, but declined those offers because of the position and compensation levels. Exploration Place has, under terms of the Agreement, legally discharged its contractual obligation to the City.

Financial Considerations: Funding for the payment is included in the 2000 General Fund budget.

Motion -- carried Knight moved that the payment be authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF #4 KELLOGG DRIVE – EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0558.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 4 Kellogg Drive, Richard and Sheryl Mengelkoch, have expressed an interest in selling this property to the City. The site contains 14,950 square feet and is improved with a 1,834 square foot brick, ranch-style single family residence. The property has three bedrooms and one and one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$110,000. The owner has located an acceptable replacement dwelling that is currently available for \$144,000 and has agreed to accept this amount for 460 Waverly. Early acquisition will avoid future relocation and moving expenses. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased until is needed for highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$150,000 is requested. This includes \$144,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

PROPERTY ACQ. ACQUISITION OF 8704 WEST KELLOGG – WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 00-0559.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of total acquisitions. One such property is located at 8704 West Kellogg and is owned by George and Michelle Hammond. The site contains 13,145 square feet and is improved with a 2,613 square foot retail facility.

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The property appraised for \$162,000 and the owner has agreed to sell the property for this amount. Do to the nature of the improvements and timing of the project, the site will be cleared when the owner vacates.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$189,000 is requested. This includes \$162,000 for the acquisition, \$20,000 for relocation, \$5,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 8404/8410 WEST KELLOGG – WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 00-0560.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of total acquisitions. Two such properties are located at 8404 and 8410 West Kellogg, which are owned by Mid-America Credit Union. The site contains 150,146 square feet. The site is improved with two buildings. One contains 17,199 square feet above grade and was built in 1988. The other 8,939 square feet above grade and was built in 1972. Both buildings are utilized as financial institutions.

The properties appraised for \$2,850,000 and the owner has agreed to sell for this amount. While the project requires removal of both existing buildings, there will be considerable remaining land after the project is complete. The seller intends to repurchase the remnant at the appraised acquisition price. The improvements at 8410 West Kellogg will be removed and the seller will build a replacement facility while continuing to occupy 8704 West Kellogg. Upon completion, they will relocate to the new facility.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$2,954,000 is requested. This includes \$2,890,000 for the acquisition, \$40,000 for relocation, \$20,000 for demolition and \$4,000 for closing costs and title insurance. When the sale of the remnant land is completed, the proceeds will be used to offset this amount.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

LAWSUIT PAYMENT

PAYMENT FOR SETTLEMENT OF LAWSUIT.

Agenda Report No. 00-0562.

On April 27, 1999, Ms. Ramona Blocker was arrested because officers mistakenly believed she had been involved in a crime. She later filed suit, claiming the officers had acted improperly and that she had incurred damages as a result of her arrest.

The plaintiff has offered to accept a lump sum payment of \$10,000.00 as full settlement of all her claims against the City and the police officers. Because of the uncertainty and risk that a judgment at trial, plus an award of attorney fees, would exceed this amount, the Law Department recommends acceptance of the offer. The settlement of this suit does not constitute an admission of liability on the part of the City or its officers. Rather, it is merely a settlement to resolve a long disputed claim.

Funding for this settlement payment is from the tort claims fund.

The Law Department recommends acceptance of the plaintiff's offer of settlement.

Motion -- carried

Knight moved that the settlement be approved. Motion carried 7 to 0.

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PROPERTY DISP.

PUBLIC HOUSING HOME OWNERSHIP PLAN - SALE OF 1545 NORTH OLIVER. (District I)

Agenda Report No. 00-0547.

March 17, 1998, the City Council approved a pilot program for the sale of the City's single-family public housing stock, and authorized staff to submit the plan to the Department of Housing and Urban Development (HUD) for approval. The pilot program calls for 100 units of public housing to be made available to existing public housing tenants, and then subsequently to individuals on the Public Housing and Section 8 waiting lists. The plan requires potential buyers to qualify for permanent first-mortgage financing, and includes an element for assistance with the down payment and closing costs required to complete the purchase. This assistance is provided in the form of a zero-interest deferred loan, secured by a second mortgage held by the City. No monthly payments are required on the second mortgage loan, and the loan is not due and payable until the property is sold or until such time as the owner ceases to use the property as his/her principal residence.

Participation in a Maintenance Reserve Program is also required under the plan.

The plan has been approved by Housing and Urban Development.

Units sold under the plan must be sold for current appraised value. In this particular case, the unit appraised for \$40,000. The buyer has pre-qualified for a first mortgage loan, and will be responsible for the payment of pre-paid interest, the first year's hazard insurance premium, and the amounts required by the lender for initial deposits to the escrow account, as required by the plan. The buyer's investment is estimated to be approximately \$800.00. The buyer of this unit is the current tenant.

Since the Maintenance Reserve Plan is currently under development, a one-year home warranty will be provided for the buyer to cover potential problems with the unit until such time as the Maintenance Reserve Plan becomes operational.

Following Council approval, HUD approval will be solicited and the actual closing on the home will occur on or before June 30, 2000.

The subject unit will be sold for \$40,000, with the City financing approximately \$5,000 for the required down payment, closing costs, and financing of the Maintenance Reserve Premium. Net proceeds from the sale, after deductions for normal seller-paid costs, homeownership training expenses, and the second mortgage are expected to be approximately \$35,000. The adopted 5h plan specifies that 35% of the proceeds from the sale will be set aside for loan loss reserves, which must be held for a minimum of five years. Sale proceeds in excess of the loan loss reserves will be placed in a dedicated housing account (Housing Partnership Fund), for the development of affordable housing. With this initial sale, the remaining proceeds may be used for capitalization of the Maintenance Reserve Program.

The unit to be sold is one of the 100 units approved for sale by HUD.

Motion --
-- carried

Knight moved that the sale be approved; Staff be authorized to obtain HUD releases; and the necessary signatures. be authorized. Motion carried 7 to 0.

WATER LOAN FUND

KANSAS PUBLIC WATER SUPPLY LOAN FUND.

Agenda Report No. 00-0564.

On April 4, 2000, the City Council approved submittal of a loan application to the State of Kansas under the Kansas Public Water Supply Loan Fund (KPWSLF) program to finance a portion of the Northeast Water Transmission Main Project. On May 9, 2000, the City Council authorized staff to proceed with construction of Phase 2 of the Project, enacted a Resolution and approved publication of the Notice of Intent. In order to finalize the KPWSLF loan it is necessary for the City Council to authorize the execution of the Loan Agreement.

On August 6, 1996, President Clinton signed the Safe Drinking Water Act (SDWA) Amendments of 1996, establishing the Drinking Water Loan Fund (DWLF) to assist public water supply systems in financing costs of infrastructure to achieve and/or maintain compliance with SDWA requirements and to protect public health. Federal funds are provided to capitalize state revolving loan funds that make water supply loans to municipalities and rural water districts. The Kansas Public Water Supply Loan Fund (KPWSLF) was established by the Kansas

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Legislature in 1994 to provide a state revolving loan program in the State. The appropriation for Kansas for FY99 is \$775 million.

The Water & Sewer Department submitted a preliminary request for a loan of \$12.13 million from the KPWSLF for reimbursement of expenses associated with the Northeast Water Transmission Main. The total cost of the project is now estimated to be \$13 million, rather than the original estimate of \$18 million. However, \$5.8 million has already been reimbursed through the 1999 revenue bonds. Therefore, the application has been modified to request a loan of \$7.22 million, reflecting the lower cost.

The interest rate on the loan will be 80% of the average of the Bond Buyer's 20-Bond Index over the preceding 90-day period. The loan will be a parity lien, along with other revenue bond debt against the net revenues of the Water and Sewer Fund. The loan will not impact the credit rating of the General Fund, nor the ability of the City to issue general obligation bonds. Interest will accrue as the Utility draws down the funds, and only the amount actually spent on the project will be borrowed. In order to avoid having to pledge general tax revenues to secure the loan, the City will obtain a bond insurance policy, similar to insurance covering our revenue bonds.

The Loan Agreement will create a parity lien to that of outstanding revenue bond indebtedness. In order to achieve parity status, procedures for the issuance of Additional Bonds are being followed under the supervision of the City's current bond counsel.

Motion --
-- carried

Knight moved that the Ordinance authorizing execution of a loan agreement with the State of Kansas through the Kansas Department of Health and Environment be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the sale and issuance of \$7,220,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2000, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; prescribing the form and details of the bonds; authorizing the execution of a loan agreement between the City of Wichita, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 23, 2000)

a) Acquisition by Eminent Domain of Tracts required for the West Kellogg Improvement Project. (District V)

ORDINANCE NO. 44-657

An Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

b) ZON2000-00006 - South of Kellogg and west of Seneca. (District IV)

ORDINANCE NO. 44-658

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

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c) DR 00-05 – Request for Street Name Change from Stratford to Stratford Row, Adjacent to Lots 11-19, Block 1; and Lots 1-2 and 11-13, Block 2, Brookhaven Estates Second Addition – 15000 Block of East Stratford. (District II)

ORDINANCE NO. 44-659

An Ordinance changing the name of Stratford Street to Stratford Row, adjacent to Lots 11-19, Block 1; and Lots 1-2 and 11-13, Block 2, Brookhaven Estates Second Addition (15000 Block of East Stratford), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

d) A 00-10 Annexation. (District IV)

ORDINANCE NO. 44-660

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-10

PLANNING AGENDA

Motion --
-- carried

Knight moved that the Planning Agenda, except Item 32, be approved as consensus Items. Motion carried 7 to 0.

DED 2000-10

DED 2000-10 – CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTH OF U.S. 54, ON THE WEST SIDE OF BROADWAY – 921 SOUTH BROADWAY. (District I)

Agenda Report No. 00-0565.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of a Conditional Use (Case No. CON 2000) and is being dedicated contingent upon the City's need for future street widening on Broadway.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the dedication be received and filed. Motion carried 7 to 0.

DED 2000-11

DED 2000-11 – DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED SOUTH OF CENTRAL, WEST OF WEST STREET. (District IV)

Agenda Report No. 00-0566.

Staff Recommendation: Accept the Dedication.
MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of an associated lot split (Case No. SUB 2000-16) and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the dedication be received and filed. Motion carried 7 to 0.

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DED 2000-13

DED 2000-13 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF MURDOCK AND TOPEKA. (District VI)

Agenda Report No. 00-0567.

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of City Engineering for the Via Christi Regional Medical Center, Inc., Addition, and is being dedicated for additional street right-of-way.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the dedication be received and filed. Motion carried 7 to 0.

S/D 99-74

S/D 99-74 – PLAT OF AUBURN HILLS TENTH ADDITION – SOUTH OF MAPLE, EAST OF 135TH STREET WEST. (District V)

Agenda Report No. 00-0568.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0-1)

This replat is zoned SF-6, Single-Family Residential. Petitions, all 100%, have been submitted for paving, sanitary sewer and municipal water improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-238

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89478 (south of Maple, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-239

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 2, Cowskin Interceptor Sewer (south of Maple, east of 135th Street West), Project No. 468-83113, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-240

Resolution of findings of advisability and Resolution authorizing improving of Limuel from the north line of the Plat, south to and including the cul-de-sac, Project No. 472-83242, (south of Maple, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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ZON 2000-0009

ZON 2000-0009 – ZONE CHANGE FROM “LI” LIMITED INDUSTRIAL TO “B” MULTI-FAMILY DISTRICT, LOCATED AT ST. FRANCIS AND ELM – 609 NORTH ST. FRANCIS. (District VI)

Agenda Report No. 00-0569.

MAPC Recommendation: Approve (9-0)
Staff Recommendation: Approve.
DAB Recommendation: Approve (9-0-1).

The applicant is requesting a zone change to the “B” Multi-Family District on a platted one half-acre tract of land. This property is zoned “LI” Limited Industrial. The applicant wants to operate a limited group residence for adolescent girls (age 14-17) on the site. The application area is a rectangular shaped parcel and is located south of Pine, north of Elm, on the west side of North St. Francis.

Today this structure is an older two-story house; it is currently vacant. The building has had a number of residential (owner/rental) uses throughout the years. Most recently, the house was used as a rental unit. The house has been vacant for less than one year. The house is an “American Four Square” design. Although the exterior has been altered, it appears that at one time it might have had an Italianate style but currently no remnants remain. The house has a hipped and gabled roof. The house likely once had a full front porch but it is now gone. The door and window openings appear to have been modified. The exterior now has ten-inch particleboard siding. The applicant has no plans to alter the exterior with the possible exception of storm windows. Landscaping may added to the grounds at a later date. Any changes to the exterior would have to be approved either by MAPD staff or by the Historic Preservation Board. A Certificate of Appropriateness will need to be secured by the applicant in advance of any proposed building modifications.

Access to the site is from a driveway via St. Francis Street and from an alley to the west. There are three parking spaces in the driveway. Since the clients will not have vehicles, and since there will only be one staff per a 12-hour shift, this driveway will meet all off-street parking requirements (per the OCI Superintendent). There is a parking lot north of the application area (farther to the north is a rental residential unit) and it is zoned “GC” General Commercial; the property south is a vacant lot and is zoned “GC” General Commercial; to the east is the “Small Business Resource and Assistance Center” (attorneys’ offices) that is zoned “LI” Limited Commercial; to the west is an alley (farther to the west are vacant four-plexes) that are zoned “LI” Limited Commercial.

The proposed group residence (to be called Trinity House) will be funded by a variety of public/private sources plus fees for service. There will be a maximum of eight children on site. The children will be referred from families, various social service agencies or the Juvenile Court. The children will be screened and assessed prior to their placement. Violent offenders will not be accepted or permitted on site. Children may stay as little as 30-days for emergency placements or for a maximum of six months. The children will be required to attend either public or vocational schools, which are located nearby, or work towards securing a GED, while staying in the group residence. The children will have access to mental health professionals as well. Staff will be on-site 24 hours per day. An emphasis will be placed upon security and safety, while providing a caring environment for the children. The building will be required to comply with all City Code building requirements.

The applicant will be required to secure a State license to operate the facility, as well. The applicant met with CORE (a neighborhood coalition group) prior to filing. The CORE members took no official action but were supportive of the proposal. The applicant also met with the Historic Midtown Neighborhood Association and appeared before the Historic Preservation Board (HPB) since the property in question is within 500 feet of the Judge Wall House, 622 North St. Francis, a nationally designated historic property. The District Advisory Board (DAB) met on May 1st, prior to MAPC hearing, and was supportive of the request. Additionally, the applicant met with MAPD Land Use staff regarding the “neighborhood plan” for this area recently adopted by the MAPC and governing bodies. The “LI” Limited Industrial District does not permit residential uses, so the previous residential use was non-conforming. If the building were to remain vacant for two years, re-use of the building for residential purposes would be illegal. Since the application area is zoned “LI” Limited Industrial, the “B” Multi-Family District is the first residential zoning category that would permit a “group residence, limited.”

At the MAPC meeting held on May 11, 2000, the Commissioners voted (9-0) to recommend approval subject to MAPD staff comments. The applicant was in agreement of conditions of the MAPD staff comments. The MAPC Members suggested that the proposed residential use would be an improvement to the area.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON 2000-0009

(Item No. 32)

ZON 2000-00010

ZON 2000-00010 – ZONE CHANGE FROM “SF-6” SINGLE-FAMILY RESIDENTIAL TO “LI” LIMITED INDUSTRIAL DISTRICT, LOCATED ON THE CORNER OF HARRY STREET AND SEVILLE. (District V)

Agenda Report No. 00-0570.

MAPC Recommendation: Approve, subject to platting within 1 year (9-0).

Staff Recommendation: Approve, subject to platting within 1 year.

The applicant, Harper’s, Inc., is requesting approval of “LI” Limited Industrial zoning on 10 acres of unplatted property currently zoned “SF-6” Single-Family Residential. The application area is a trapezoid shaped parcel and is located at the corner of Harry and Seville Streets. Seville Street is located on the west, Harry Street is located to the south and the AT&SF Railroad is located on the northern edge of the property.

Starting in 1948, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in 1996 and was subsequently purchased by Allen’s Concrete, Inc. (parcel owner). Access to the site is currently from one entrance on the west via Seville Street (unpaved) and one on the south from Harry Street (unpaved). The applicant would like two additional entrances, or a total of three, along Harry Street.

The applicant has submitted a site plan for review. There are plans to plat the property into two parcels. The largest parcel (7.1 acres) will be primarily for a freight business and a smaller “out parcel” (2.9 acres) is planned for the eastern area. There are plans to remodel an existing concrete structure located in the northwest corner of the larger parcel. Truck parking is planned for the center of the property; personal storage units are planned along the northern edge and bulk storage in the eastern part of the largest parcel. There are no identified uses for the smaller parcel at this time. The smaller parcel may be sold at a later time.

The majority of the 10-acre site consists of concrete slab paving. Per the zoning code, a screening fence, landscaping or berming will be required along the east property line, which is adjacent to “SF-6” zoned land. Mechanical equipment and outdoor work and storage areas must also be screened on all non-residential developments, except those located along local or collector streets founded on both sides by “OW,” “IP,” “LI,” or “GI” zoning. Screening to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, outdoor storage, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses (see UZC pages 159-160 for compatibility standards). The applicant will need to submit a Landscaping Plan for review which is consistent with the Landscaping Code – landscaped street yards and buffer landscaping by the property line plus parking with screening of any parking along Harry and Seville, and buffer landscaping along the east property line.

There are three businesses on the properties north of the application area and they are zoned “GC” General Commercial. The golf course south of the application area is zoned “SF-6” Single-Family Residential, the property east is a single family residence and zoned “SF-6,” and the property to the west is also “SF-6” and developed as a park.

At the MAPC meeting held on May 11, 2000, the Commissioners voted (9-0) to recommend approval subject to MAPD staff comments. The applicant was in agreement of conditions of the MAPD staff comments. The MAPC Members suggested that the proposed use was appropriate for the area.

Motion --

Martz moved that having considered the recommendation of the MAPC and other factors, this case be returned to the MAPC for further consideration; the basis for returning the case is neighborhood opposition and concern for the industrial zoning; that sixteen (16) individuals have signed protest petitions in opposition to the request; and a hearing by the MAPC would allow full consideration of the concerns. Motion carried 7 to 0.

-- carried

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A 00-11

A 00-11 – ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH, FROM WEST OF SENECA TO THE EAST AND WEST OF GROVE, TO THE CITY OF WICHITA, KANSAS. (Districts III and IV)

Agenda Report No. 00-0571.

A Resolution establishing a future public hearing date of August 15, 2000, for consideration of a unilateral annexation was approved.. The properties proposed for annexation are located south of 55th Street South, from west of Seneca to the east and west of Grove.

This is the second phase of a three-phase annexation. The first phase was officially approved March 31, 2000, and brought approximately 1,386 acres into the City.

The subject area consists of approximately 159 acres and 56 properties (10 platted and 46 unplatted). The land-use pattern consists of 29 residential tracts, 16 vacant or farm related tracts or reserves, and one (1) church, cemetery or public utility tracts. The majority of the area is zoned "RR" Rural Residential and "SF-20" Single-Family Residential, with a few small areas zoned "LC" Limited Commercial. Those areas zoned "RR" and "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation (SF-10 if requested by property owner) while other properties will retain their existing zoning. All of the land proposed for annexation is located within the areas identified as "low-density residential," and "suburban" in the Land Use Guide Map in the 1996 Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. The proposed area for annexation is also within the 2010 and 2030 Urban Service boundaries found in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, adopted by the Metropolitan Area Planning Commission on March 16, 2000.

The proposed annexation will allow for the continuation of the City's growth in the south part of Wichita. Although there are no properties in the annexation area currently being served by City of Wichita water, there are many valid water service petitions that have been submitted to the City Public Works Department. While some petitions have been approved and the projects are currently in the design stage, others are pending approval.

As for sewer, there are no properties in the proposed annexation area currently being served by the City of Wichita. These properties are currently served by private sewage disposal systems. There is a 60-inch sewer main located along 55th Street South running to the City's Sewage Treatment Plant No. 2, located to the northeast of the annexation area from which service could be extended.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,951,240 resulting in an annual City Ad Valorem tax revenue of approximately \$8,503. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's office.

Motion --
-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date on August 15, 2000, at 7:00 p.m., at the Midway Baptist Church, 5135 South Broadway, be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-00-241

A Resolution establishing a future public hearing on the annexation of eligible properties described as south of 45th Street North and west of Webb Road to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-00-11

AIRPORT AGENDA

EXECUTIVE AIRCRAFT SALE OF EXECUTIVE AIRCRAFT CORPORATION TO EAC ACQUISITION CORPORATION; ASSIGNMENT OF AIRPORT LEASES; ASSUMPTION OF GUARANTY BY NEW OWNER.

Agenda Report No.00-0572.

Executive Aircraft Corporation ("EAC") is a full service Fixed Base Operator established in 1994 by the late Stanley E. Roth with its principal facilities located at the Wichita Mid-Continent Airport. On March 22, 2000, substantially all the assets of EAC were sold to a group of investors organized as EAC Acquisition Corporation. The new investor group includes the current EAC President, Bob Taylor and will continue to operate under the EAC name.

The assets sold by EAC include four EAC leasehold interests in airport property previously assigned to EAC from predecessor tenants Air Capital Modification Center, Inc., Ryan Aviation Corporation and Yingling Aircraft, Inc. (the "Non-Bond Leases"), as well as two leasehold interests which secure certain Airport Facility Refunding Revenue Bonds, Series 1997 (Executive Aircraft Corporation) and Airport Facility Revenue Bonds, Series 1999 (Executive Aircraft Corporation) (the "Bond Leases"). EAC Acquisition Corporation has expressly assumed all the obligations of EAC under all the Leases and has assumed the obligation of EAC to pay the Bonds. The Assignment of the Leases requires the express consent of the Airport Authority, as Landlord. INTRUST Bank, N.A., as trustee on the bond issues, has already consented to the Assignment of Bond Leases and the assumption of the Bond obligations by the new owner. EAC Acquisition Corporation has provided an independent auditor's compilation report evidencing that it has a "net worth" in excess of EAC's net worth as reported at the end of 1999.

The effect of the Assignments of Lease and Assumption of Guaranty will be to release and discharge the old EAC, as well as Jan Roth as an individual, from their obligations to pay rent and make payments on the Bonds. These obligations have been expressly assumed by EAC Acquisition Corporation.

The approval documents were prepared by the Law Firm of Triplett, Woolf & Garretson, L.L.C.

Motion --
-- carried

Knight moved that the assignment of leases be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A-00-010

A Resolution of the Wichita Airport Authority of the City of Wichita, Kansas, consenting to the assignment of certain Airport Facility Leases from Executive Aircraft Corporation to EAC Acquisition Corporation; authorizing the execution and delivery of an acknowledgment acceptance and consent to assignment of Leases by and between Executive Aircraft Corporation and EAC Acquisition Corporation, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. A-00-011

A Resolution of the Wichita Airport Authority of the City of Wichita, Kansas, consenting to the assignment of certain Airport Facility Leases from Executive Aircraft Corporation to EAC Acquisition Corporation; authorizing the execution and delivery of an acknowledgement, acceptance and consent to assignment of leases by and between Executive Aircraft Corporation, EAC Acquisition Corporation, and Intrust Bank, N.A., as Trustee; and approving a form of assumption of Guaranty by and between EAC Acquisition Corporation and Intrust Bank, N.A., for the benefit of the owners of certain Airport Facility Revenue Bonds, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; confidential data relating to the financial affairs or trade secrets of a business; and the City Council return from executive session no earlier than 11:00 a.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 10:27 a.m. and returned at 11:04 a.m.

(The City Council returned to take up Item No. 7; action is shown in Agenda Order).

ADJOURNMENT

The City Council meeting adjourned at 11:12 a.m.

Pat Burnett CMC
City Clerk